

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

14-cr-550 (PKC)
19-cv-1889 (PKC)

ORDER

JOHN RE,

Defendant.
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CASTEL, U.S.D.J.

Defendant has not filed a declaration showing cause why his section 2255 motion should not be denied as time barred as directed by the Court's April 1, 2019 Order. (Doc. 54). Accordingly, the Court denies defendant's section 2255 motion as time barred. Because defendant has not made a substantial showing of the denial of a constitutional right, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962). The Clerk is directed to close this case as well as the related civil case.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 23, 2020